

In re Patent Application of:
APPLETON ET AL
Serial No. 10/763,784
Filed: 01/23/2004

REMARKS

Prior to the present amendment, claims 1-6 were pending. By the foregoing amendments, claims 2, 3, 5 and 6 have been cancelled and new claims 7-10 have been added. Consequently, claims 1, 4, and 7-10 are currently pending. Reconsideration of this application in light of the foregoing amendments and following remarks is respectfully requested.

The notice of allowable subject matter in claims 3 and 6 is gratefully appreciated. In an effort to place these claims in condition for allowance, claims 3 and 6 have been rewritten in self-contained form by amending claim 1 to include the limitations of claims 2 and 3 and amending claim 4 to include the limitations of claims 5 and 6. Claims 2, 3, 5 and 6, per se, have been cancelled. As a result of these amendments, applicants respectfully submit claims 1 and 4 are currently in condition for allowance. Moreover, applicants respectfully submit that newly added claims 7-10 patentably distinguish over the prior art cited in the outstanding Office Action and are not subject to either of the rejections set forth therein. As a result, each ground of rejection, particularly as applied to new claims 7-10, is respectfully traversed.

More particularly, new claims 7-10 include a independent method claim 7 and an independent apparatus claim 9. Dependent claim 8 further delimits independent method claim 7 by specifying that the on-board hardware of the daughtercard comprises a telecommunication transceiver by way of which the motherboard communicates with telecommunication equipment under test. Dependent claim 10 similarly delimits independent claim 9. In view of the indication of allowable subject matter in claims 3 and 6, it is respectfully submitted that it has been recognized

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that the features of the invention as characterized in dependent claims 8 and 10 are likewise patentable.

Moreover, applicants respectfully submit that the definition of their invention in new independent claims 7 and 9 is not taught or suggested by the cited prior art.

More particularly, each of claims 7 and 9 specifies that the daughtercard includes memory, and on-board hardware that is in addition to and different from the hardware contained in the default hardware configuration of the signal processing system. The on-board memory of the daughtercard contains replacement system control software that defines different system operational functionality than that of the default system operational functionality of the software on-board the motherboard. Moreover, this replacement system control software is executed by the main processing unit of the motherboard in place of its default system control software. When so executed by the main processing unit of the motherboard, the replacement software is effective to cause the main processing unit to carry out exclusive control of the different system operational functionality, including operation of the on-board hardware of the daughtercard. Such control of the different system operational functionality, including operation of the additional on-board hardware of the daughtercard, in a manner that is exclusive of the default software, is neither disclosed nor suggested by either of the documents to Cassidy et al or Rossi.

More specifically, in the cellular mobile telephone described in the Cassidy et al document, a hand set housing 2 includes memory which stores the operating software of the telephone, as executed the telephone's microprocessor 4. Auxiliary memory, in the form of an EEPROM 6, stores data used in placing a telephone call.

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In addition to this basic system, the handset of Cassidy et al includes a memory module receiver 10 which is adapted to receive a memory module, such as a subscriber identity module (SIM) which stores subscriber identity information, as described in paragraph [0005] of the patent application. This SIM card is described in paragraph [0026] as a processor card which includes not only memory, but a facility for internally processing information. The data stored in the SIM is used by the microprocessor to enable the telephone to communicate on the appropriate network. Other data stored in the SIM card is used to control, modify or monitor the operation of the telephone in a conventional manner.

When comparing, or more correctly contrasting, what is disclosed in the document to Cassidy et al with the invention defined in claims 7-10, several differences become immediately apparent.

The first is the fact that the SIM card of Cassidy et al does not contain both additional on-board hardware and replacement software that is to be executed by the microprocessor 4, in place of its basic operating software, for controlling the overall operation of the system, including the operation of the additional on-board hardware. Rather, the SIM card of the telephone of Cassidy et al stores data that is used by microprocessor 4 in the course of its execution of the basic operating software for the telephone. Secondly, there is no disclosure that Cassidy et al's microprocessor controls the operation of any facility for processing information on board the SIM.

The patent to Rossi has been cited for the purpose of illustrating that storage memory may be implemented as firmware,

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Serial No. 10/763,784
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that is capable of storing information when the system is turned off. The use of a reprogrammable EEPROM type non-volatile memory for storing information when a system is turned off does not suggest a modification of the telephone described in the document to Cassidy et al that would result in a telephone configuration or functionality upon which claims 7-10 would read. Like Cassidy et al, Rossi contains no disclosure or suggestion of providing a daughtercard with memory in which is stored replacement software that is executed by the main processing unit of the motherboard when the daughtercard is employed, for exclusive control of the system, or that such replacement software also controls the operation of the additional on-board hardware of the daughterboard.

In the absence of the citation of prior art which teaches or suggests the invention as characterized in additional claims 7-10, it is respectfully submitted that these claims, as well as amended claims 1 and 4, are in condition for allowance.

Favorable reconsideration of this application and a Notice of Allowability of claims 1, 4 and 7-10 are, accordingly, earnestly solicited.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

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In re Patent Application of:
APPLETON ET AL
Serial No. 10/763,784
Filed: 01/23/2004

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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, this 31 day of May 2006.

